

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):                  Paul L. Cass, ESQUIRE 158323                  Law Office of Paul L. Cass                  7777 Greenback Lane, Suite 107                  Citrus Heights, CA 95610                  TELEPHONE NO (916) 536-1099 FAX NO. (Optional) (916) 536-0739                  E-MAIL ADDRESS (Optional): casslaws@aol.com                  ATTORNEY FOR (Name): Iryna Vorniku</p>	<p><b>FILED COURT USE ONLY</b>                  Superior Court Of California                  Sacramento                  03/16/2023                  erubiotelerio                  By _____, Deputy                  Case Number:                  34-2023-00336313</p>
<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento</b>                  STREET ADDRESS 720 9th Street,                  MAILING ADDRESS: 720 9th Street,                  CITY AND ZIP CODE: Sacramento, CA 95814                  BRANCH NAME: Gordon D. Schaber Courthouse</p>	
<p>PLAINTIFF: Iryna Vorniku</p> <p>DEFENDANT: Sacramento Metropolitan Fire District;                  County of Sacramento.  <input checked="" type="checkbox"/> DOES 1 TO 10 inclusive</p>	
<p><b>COMPLAINT-Personal Injury, Property Damage, Wrongful Death</b>  <input type="checkbox"/> AMENDED (Number):                  Type (check all that apply):  <input checked="" type="checkbox"/> MOTOR VEHICLE <input type="checkbox"/> OTHER (specify):  <input checked="" type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death  <input type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):</p>	
<p><b>Jurisdiction (check all that apply):</b>  <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE                  Amount demanded <input type="checkbox"/> does not exceed \$10,000  <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000  <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)  <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint  <input type="checkbox"/> from limited to unlimited  <input type="checkbox"/> from unlimited to limited</p>	<p>CASE NUMBER:</p>

1. Plaintiff (name or names): Iryna Vorniku and Kostiantyn Vorniku

alleges causes of action against defendant (name or names): Sacramento Metropolitan Fire District;  
 County of Sacramento.

2. This pleading, including attachments and exhibits, consists of the following number of pages:

3. Each plaintiff named above is a competent adult

a.  except plaintiff (name):

- (1)  a corporation qualified to do business in California
- (2)  an unincorporated entity (describe):
- (3)  a public entity (describe):
- (4)  a minor  an adult
  - (a)  for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
  - (b)  other (specify):
- (5)  other (specify):

b.  except plaintiff (name):

- (1)  a corporation qualified to do business in California
- (2)  an unincorporated entity (describe):
- (3)  a public entity (describe):
- (4)  a minor  an adult
  - (a)  for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
  - (b)  other (specify):
- (5)  other (specify):

Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

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DOWNTOWN COURTHOUSE  
CLERK COURT OF COMMONS  
CITY OF SAN FRANCISCO

SHORT TITLE: <b>Iryna Vorniku vs. Sac. Metro. Fire Distri</b>	CASE NUMBER:
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4.  Plaintiff (name):  
 is doing business under the fictitious name (specify):
- and has complied with the fictitious business name laws.
5. Each defendant named above is a natural person
- |  |   |
|--|---|
| a. <input checked="" type="checkbox"/> except defendant (name): <ul style="list-style-type: none"> <li>(1) <input type="checkbox"/> a business organization, form unknown</li> <li>(2) <input type="checkbox"/> a corporation</li> <li>(3) <input type="checkbox"/> an unincorporated entity (describe):</li> <li>(4) <input checked="" type="checkbox"/> a public entity (describe):<br/>                     Sacramento Metropolitan Fire District</li> <li>(5) <input type="checkbox"/> other (specify):</li> </ul> | c. <input type="checkbox"/> except defendant (name): <ul style="list-style-type: none"> <li>(1) <input type="checkbox"/> a business organization, form unknown</li> <li>(2) <input type="checkbox"/> a corporation</li> <li>(3) <input type="checkbox"/> an unincorporated entity (describe):</li> <li>(4) <input type="checkbox"/> a public entity (describe):</li> <li>(5) <input type="checkbox"/> other (specify):</li> </ul> |
| b. <input checked="" type="checkbox"/> except defendant (name): <ul style="list-style-type: none"> <li>(1) <input type="checkbox"/> a business organization, form unknown</li> <li>(2) <input type="checkbox"/> a corporation</li> <li>(3) <input type="checkbox"/> an unincorporated entity (describe):</li> <li>(4) <input checked="" type="checkbox"/> a public entity (describe):<br/>                     Sacramento County.</li> <li>(5) <input type="checkbox"/> other (specify):</li> </ul>                    | d. <input type="checkbox"/> except defendant (name): <ul style="list-style-type: none"> <li>(1) <input type="checkbox"/> a business organization, form unknown</li> <li>(2) <input type="checkbox"/> a corporation</li> <li>(3) <input type="checkbox"/> an unincorporated entity (describe):</li> <li>(4) <input type="checkbox"/> a public entity (describe):</li> <li>(5) <input type="checkbox"/> other (specify):</li> </ul> |
- Information about additional defendants who are not natural persons is contained in Attachment 5.
6. The true names of defendants sued as Does are unknown to plaintiff.
- |  |  |
|--|--|
| a. <input checked="" type="checkbox"/> Doe defendants (specify Doe numbers): <u>1-10</u> were the agents or employees of other named defendants and acted within the scope of that agency or employment. |  |
| b. <input checked="" type="checkbox"/> Doe defendants (specify Doe numbers): <u>1-10</u> are persons whose capacities are unknown to plaintiff.  |  |
7.  Defendants who are joined under Code of Civil Procedure section 382 are (names):
8. This court is the proper court because
- |   |  |
|---|--|
| a. <input checked="" type="checkbox"/> at least one defendant now resides in its jurisdictional area.   |  |
| b. <input type="checkbox"/> the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area. |  |
| c. <input checked="" type="checkbox"/> injury to person or damage to personal property occurred in its jurisdictional area.                         |  |
| d. <input type="checkbox"/> other (specify):  |  |
9.  Plaintiff is required to comply with a claims statute, and
- |   |  |
|---|--|
| a. <input checked="" type="checkbox"/> has complied with applicable claims statutes, or |  |
| b. <input type="checkbox"/> is excused from complying because (specify):                |  |

SHORT TITLE: Iryna Vorniku vs. Sac. Metro. Fire Distri	CASE NUMBER:
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10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a.  Motor Vehicle
- b.  General Negligence
- c.  Intentional Tort
- d.  Products Liability
- e.  Premises Liability
- f.  Other (specify) :

11. Plaintiff has suffered

- a.  wage loss
- b.  loss of use of property
- c.  hospital and medical expenses
- d.  general damage
- e.  property damage
- f.  loss of earning capacity
- g.  other damage (specify) :

12.  The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a.  listed in Attachment 12.
- b.  as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1)  compensatory damages
- (2)  punitive damages

The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):

- (1)  according to proof
- (2)  in the amount of: \$ 68,000

15.  The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date: 3/16/2023

Paul L. Cass, ESQUIRE 158323  
(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE: Vorniku v. Sacramento Metropolitan Fire District et al	CASE NUMBER:
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ONE

**CAUSE OF ACTION- General Negligence**

Page

(number)

ATTACHMENT TO  Complaint  Cross-Complaint*(Use a separate cause of action form for each cause of action.)*

GN-1. Plaintiff (name): Iryna Vorniku and Kostiantyn Vorniku

alleges that defendant (name): Sacramento Metropolitan Fire District County of Sacramento, and their agents

 Does 1 to 10

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): 8-5-2022

at (place): 6715 W 6th Street Rio Linda CA 95673

*(description of reasons for liability) :*

SEE EXHIBIT A, letter from defendant dated 9-19-2022. See Claim made 8-16-2022.

Defendant used a yellow bulldozer to remove vehicle that was owned by plaintiffs and destroyed a new car. (White Ford SUV).

Damage is circa \$68,000.

SEE EXHIBIT B car after damage.

DRIVER did not need to move the plaintiffs' car to access the fire in a neighbor's junk yard. Also with a fire next door to YARD where the car was damaged the fire department came on adjacent owner's real property yard and used a bulldozer to move the FORD WHITE SUV (car). Defendants should have used other means to move the car other than to use a bulldozer that destroyed the car when defendant if needed only needed to pull the car out of the way to gain access to the fire.

BIG fire but less intrusive means could have been used to move the white Ford SUV owned by plaintiffs. Damage is \$68,000

# EXHIBIT A



# Sacramento Metropolitan Fire District

10545 Armstrong Avenue, Suite 200 • Mather, CA 95655 • Phone (916) 859-4300 • Fax (916)859-3720

TODD HARMS  
*Fire Chief*

September 19, 2022

**Sent via Certified U.S. Mail**

7019 1120 0000 3916 5265

Iryna Vorniku  
2182 Benita Drive, Apartment 1  
Rancho Cordova, CA 95670

RE: Claim Against Public Entity – Government Code Section 910 et seq.  
Iryna Vorniku

Dear Iryna:

Notice is hereby given that the claim which you presented to the Sacramento Metropolitan Fire District dated August 8, 2022 was presented to the Board of Directors and denied on September 8, 2022.

Pursuant to Government Code Section 913(b), please be advised of the following:

## WARNING

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. See Government Code Section 945.6.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Sincerely,

Adam Mitchell  
Acting Fire Chief

Cc: Debbie Yokota, SDRMA

CLAIM AGAINST SACRAMENTO METROPOLITAN FIRE DISTRICT

1. Claimant's Name IRYNA VORNIKU 2. Date of Birth 8/16/1982  
Last First M.I.

3. Claimant's Address 2182 BENVITA DR. APT. 1  
RANCHO CORDOVA, CA, 95670

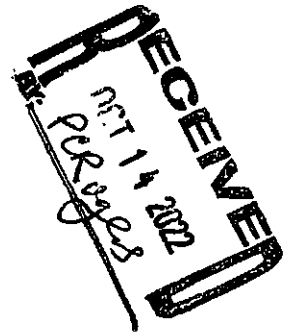
Street (or P.O. Box) City State Zip Code

4. Address Where Correspondence Should Be Sent (if different from above)

Name

Street (or P.O. Box) City State Zip Code

5. Phone Number ( ) ( )  
Home Work  
(916) 205-6721 ( )  
Cell Other



6. Amount of Claim \$ more than (\$10,000)

Describe basis for computation of amount claimed It was brand new car from dealership. I paid downpayment \$17,000 and still have to pay to the Bank \$66,727.<sup>45</sup> I'm not use this car now. It's still on the yard.

7. Date of Accident / Incident / Loss: 8/15/2022

8. Location of Accident / Incident / Loss: 6729 W 6th St.  
Rio Linda, CA, 95673

9. Provide your description of how the Accident / Incident / Loss Occurred:

My car was parked at the SEMI truck parking yard. I was at job trip with my husband at the time. We are both truck drivers. On August, 5, 2022 in a nearby parking yard/junk yard, at 6715 W 6th St. Rio Linda, CA, 95673 caught fire. Firefighters brought in a bulldozer and destroyed my car completely, pushing out it into the yard where was a fire. I did not block access to the fire hydrant. My car was around 53 feet from yard where was fire. I have all the videos proof of this. There was enough space.



10. Describe Damage / Injury / Losses being claimed (including prospective Damage / Injury / Losses to the extent it is known at the time of claim filing):

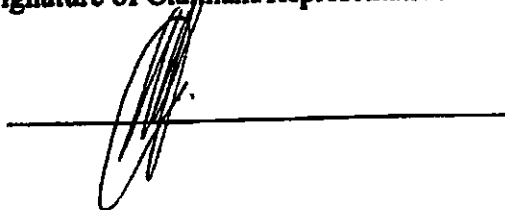
I have a lot of photo and video of damaged car. I don't know yet what damage car have inside and under the car, what damage have transmission, but what I saw - it outside frame, all doors have to be changed, all lights is broken, flat tires, side glass broken, front side, under the car frame, doors is not opened, Damage needs to be assessed and it won't be still a new car. I did additional protection for the paint, the windows were also tinted.

11. Name(s) of Public Employee(s) involved, if known

Fire Department driver on yellow bulldozer.  
I don't know name.

**Section 72 of the Penal Code states: "Every person who, with intent to defraud, presents for allowance or for payment to any state board or officer, or to any county, city, or district board or officer, authorized to allow or pay the same if genuine, any false or fraudulent claim, bill, account, voucher, or writing, is punishable either by imprisonment in the county jail for a period of not more than one year, by a fine of not exceeding one thousand dollars (\$1,000), or by both such imprisonment and fine, or by imprisonment in the state prison, or by a fine not exceeding ten thousand dollars (\$10,000), or by both such imprisonment and fine."**

13. Signature of Claimant/Representative:

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke, is written over a solid horizontal line.

Date: 10/14/2022

**You must present your claim within the time prescribed by Govt. Code Section**

**911.2**

# EXHIBIT B



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LEWIS AND CLARK  
SESSION COURT OF CLERK  
CLERK OF COURTS

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CLERK OF COURSE  
SHERIFF COURT OF GARFIELD  
COUNTY OF COLORADO

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DOMINION COURTSHIP  
AREA OF COURT OF QUEEN'S  
COUNTY OF HOWARD PA

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LEGATON: CANTON  
SUPERIOR COURT OF CHIEF  
CLERK OF SUPERIOR